IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION

CIVIL ACTION NO.: 5:05CV280

JACQUELINE VINES,)	
Plaintiff,)	
vs.) ORDER	
ROSS AUTOMOTIVE d/b/a ROSS)	
CHRYSLER JEEP DODGE and)	
RICHARD MILLER,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on Defendant Richard Miller's Motion to Dismiss Pursuant to Rules 12(b)(2), (4), and (5) and Memorandum of Law in Support of Defendant Miller's Motion to Dismiss, both filed January 3, 2006. On January 13, 2006, Plaintiff filed a Motion for Extension of Time. In an Order filed January 13, 2006, the Court granted Plaintiff's Motion and gave her to and including February 6, 2006, to file a Response to Defendant's Motion to Dismiss. Despite this extension of time, Plaintiff did not file a Response.

Defendant seeks to dismiss Plaintiff's Complaint with regard to Richard Miller for insufficient process, insufficient service of process, and lack of personal jurisdiction. However, on February 17, 2006, Plaintiff filed a Motion for Leave to File Amended Complaint, which was granted in an Order filed February 21, 2006. On February 22, 2006, Plaintiff filed her Amended Complaint, in which she only named Ross Automotive d/b/a Ross Chrysler Jeep Dodge as Defendant. Therefore, Defendant Richard Miller's Motion to Dismiss is moot.

IT IS, THEREFORE, ORDERED that Defendant Richard Miller's Motion to Dismiss is hereby **DENIED AS MOOT**.

Signed: March 21, 2006

Richard L. Voorhees Chief United States District Judge